

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

CHRISTY L. WILLIAMS,

Plaintiff

v.

TARRANT COUNTY COLLEGE
DISTRICT

Defendant.

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CIVIL ACTION No. 4:15-cv-00241

**APPENDIX IN SUPPORT OF DEFENDANT'S OBJECTIONS AND REPLY BRIEF TO
PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT**

Defendant files this Appendix in support of its Objections and Reply Brief to Plaintiff's
Response to Defendant's Motion for Summary Judgment.

Respectfully submitted,

By: /s/ Lu Pham
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Angela H. Robinson

**APPENDIX IN SUPPORT OF DEFENDANT'S
OBJECTIONS AND REPLY BRIEF TO PLAINTIFF'S
RESPONSE TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

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TARRANT COUNTY COLLEGE

DISTRICT

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Fort Worth, Texas 76102

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ATTORNEYS FOR DEFENDANT

TARRANT COUNTY COLLEGE

DISTRICT

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument has been sent via electronic filing and via e-mail on the 9th day of September, 2016, to all parties at following address:

Donald E. Uloth

Donald E. Uloth, P.C.

18208 Preston Road, Suite D-9 #261

Dallas, Texas 75252

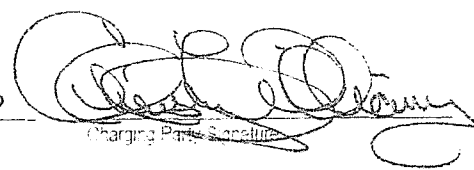
(214) 725-0260

(866) 462-6179

Don.uloth@uloth.pro

/s/ Lu Pham

Lu Pham

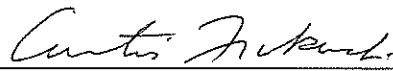
CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA 1A13675 <input checked="" type="checkbox"/> EEOC 31C-2013-00615	
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Ms. Christy L. Williams		Home Phone (incl. Area Code) (817) 707-1223	Date of Birth 07-27-1965
Street Address City, State and ZIP Code 7808 Arnold Terr., N. Richland Hills, TX 76180			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Tarrant County College NW Campus		No. Employees / Members 15 or more	Phone No. (include Area Code) (817) 515-7147
Street Address City, State and ZIP Code 4801 Marine Creek Pkwy., Ft. Worth, TX 76179			
Name TWC CRO		No. Employees / Members TWC CRO	Phone No. (include Area Code) TWC CRO
Street Address City, State and ZIP Code TWC CRO			
DISCRIMINATION BASED ON (Check appropriate boxes): <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 01-02-2013 01-07-2013 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE: Original Received: 06-24-13 I. PERSONAL HARM: I was denied reasonable accommodations on 01-02-13, by Ricardo Coronado and Sharion Marshall, in a meeting, after I provided them with a doctor's note regarding this. I was subsequently terminated on 01-07-13, by Ricardo Coronado. II. RESPONDENT'S REASON FOR ADVERSE ACTION: Past performance. III. DISCRIMINATION STATEMENT: I believe I have been discriminated against in violation of Texas Labor Code, Chapter 21, The Age Discrimination in Employment Act of 1967, and The Americans with Disabilities Act of 1990, as amended, because of my age (47 years), and disability.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		My name is <u>Christy Leigh Williams</u> my date of birth is <u>7-27-65</u> (First) (Middle) (Last) (Date) (Month) (Day) (Year) and my address is <u>7808 Arnold Terr. N. Richland Hills</u> (Street) (City) (Zip) <u>USA</u> (Country) I declare under penalty of perjury that the foregoing is true and correct. Executed in <u>Tarrant</u> County, State of Texas, on the <u>7</u> day of <u>July</u> (County) (Day) (Month) <u>2013</u> (Year)	
Date <u>7-8-13</u> Charging Party Signature 			

DECLARATION OF DR. CURTIS FUKUCHI

1. "My name is Curtis Fukuchi. I am over twenty-one (21) years of age and of sound mind and capable of making this declaration. I have personal knowledge of the facts written in this statement. I have never committed a crime of moral turpitude.
2. I am a tenured English professor at Tarrant County College District's Northwest Campus ("TCCD"). I have been an English Professor at TCCD for 6 years. As an English professor for TCCD, I am required to devote my time in various capacities outside of my classroom duties and office hours. One such capacity is to devote time in the writing lab to assist the instructional associates in the writing lab. During the time that Ms. Williams worked at TCCD, I spent a minimum of 2 hours per week, and a maximum of 8 hours per week, in the writing lab.
3. I was contacted by Don Uloth on or about August 2016. Mr. Uloth called me at my office number and we also communicated through my TCCD-issued email address. After talking to me, Mr. Uloth drafted a declaration and asked me to sign it. He e-mailed the Declaration to me. Mr. Uloth did not tell me that I had the right to contact counsel prior to signing the declaration nor did he inform me that TCCD was represented by counsel.
4. Mr. Uloth asked me to provide a copy of written hand-out materials I had pertaining to the writing lab. I emailed a few pages of a hand-out about the lab to Mr. Uloth. Copies of the pages I sent to Mr. Uloth are attached to my declaration. I was not advised by Mr. Uloth that any document I provided to him should also be provided to TCCD's counsel. As such, I did not provide to TCCD copies of materials I sent to Mr. Uloth.
5. When executing my declaration, Plaintiff's counsel provided me with a copy of a memorandum drafted by Dr. Christine Hubbard dated January 2, 2013 (and attached to this declaration) and asked me if I had any response to her allegations concerning Ms. Williams. Because I only worked in the Writing Lab between 2 to 8 hours each week, I cannot say that the incidents mentioned in Dr. Hubbard's memorandum did not occur. I can only state that I did not witness them myself and have no personal knowledge of the incidences referenced in Dr. Hubbard's memorandum.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of September 2016.



Dr. Curtis Fukuchi

MEMORANDUM

TO: Ricardo Coronado, Associate Vice Chancellor for Human Resources

FR: Christine Hubbard, Northwest Campus Humanities Division Dean

DA: 2 January 2013

RE: Recommendation for Termination of Employment for Northwest Campus Writing Lab Instructional Associate Christy Williams

I am writing to recommend termination of employment for Christy Williams, Northwest Campus Writing Lab Instructional Associate. Ms. Williams is unable to perform the essential functions of her position.

The essential functions of an Instructional Associate in the Northwest Campus Writing Lab include providing feedback for students on writing assignments on a walk-in and scheduled basis, conducting tutoring sessions with students, supervising students working on open-access computers in the writing lab, working effectively with other Writing Lab staff, students, and faculty members whose students are completing writing assignments, and being able to thrive in a fast-paced, flexible work environment where the Instructional Associate may be the only one in the lab and must be able to simultaneously greet students and get them set up on computers, tutor students with scheduled appointments, and address the needs of students requesting walk-in assistance.

Ms. Williams has demonstrated an inability to perform these functions.

- She becomes extremely agitated when trying to multitask. For example, if she is tutoring a student, she becomes frustrated, angry, and stressed when interrupted by students working on computers in the lab.
- She is unwilling to assist walk-in students with questions and instead requires them to leave their essays and schedule a follow-up appointment to receive assistance.
- She has ongoing conflicts with her co-workers in the lab and is insubordinate with her supervisor, Learning Lab Manager Conrad Herrera.
- She has ongoing conflicts with the faculty members who send students to the lab and complains about their assignments and teaching methods.
- She is stressed whenever working in the lab alone and pressures other staff to change their schedules or to come in outside their work hours to assist her.
- She has had several loud outbursts in the lab and in the hallway outside the lab area related to her interpersonal conflicts with student assistants, faculty, and staff. These outbursts have been disruptive to the other staff in the lab and to students working in the lab.
- She has had complaints from students, staff, and faculty regarding her behavior.
- On November 13, 2012, in response to feedback from Academic Foundations Department Chair Anita Biber about a complaint from an instructor who had brought students to the lab, Ms. Williams became angry, agitated, and began crying uncontrollably. She then ranted about her unhappiness in the lab and made comments about her inability to manage the stress she feels

when working in the Writing Lab. She became so distraught that she asked to go home, and then made comments indicating that she might harm herself. She also requested to be allowed to take drugs in her purse. We contacted our nurse, a counselor, and a police officer to monitor her behavior and decide how to proceed. Ms. Williams remained in the Writing Lab break room for several hours with the officer and counselor wailing and ranting so loudly that it was disruptive to the students in the lab and to the other lab staff. Once Ms. Williams left the campus, she was placed on administrative leave pending review of her ability to perform the essential functions of her position.

I have attached documentation from Academic Foundations Chair Anita Biber recounting specific information about issues with Ms. Williams on October 13, 2012, November 6, 2012, and November 13, 2012, as well as her general observations and recommendations concerning this employee.